



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DeGRADO *et al.*

Appl. No.: 10/801,951

Filed: March 17, 2004

For: **Facially Amphiphilic Polymers
and Oligomers and Uses Thereof**

Confirmation No.: 2895

Art Unit: 1617

Examiner: Chong, Yong Soo

Atty. Docket: 1694.0630003/JMC/AES

**Second Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Forms PTO/SB/08A and PTO/SB/08B are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Second Supplemental Information Disclosure Statement is a continuation of Applicants' Information Disclosure Statement filed on December 1, 2005, in connection with the above-captioned application. Copies of documents **FP1** to **FP4** and **NPL1** to **NPL6** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and published patent applications cited on the attached Form PTO/SB/08A, documents **US1** to **US5**, are not submitted.

In addition, a copy of document **NPL7** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification,

including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 11/186,942, inventors Kenichi Kuroda and William F. DeGrado, filed July 22, 2005, published as US 2006/0024264 A1, cited herein as document **US5**; and

Application No. 11/361,050, inventors William F. DeGrado, *et al.*, filed February 24, 2006, not yet published, cited herein as document **NPL7**.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith the following Office Actions:

The first non-final Office Action for related U.S. Patent Application No. 10/471,028, inventors William F. DeGrado, *et al.*, filed May 11, 2004 (35 U.S.C. § 371(c) date), mailed October 11, 2005, cited herein as document **NPL5**; and

The final Office Action for related U.S. Patent Application No. 10/471,028, inventors William F. DeGrado, *et al.*, filed May 11, 2004 (35 U.S.C. § 371(c) date), mailed May 8, 2006, cited herein as document **NPL6**.

The identification of these U.S. Patent Applications and Office Action is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative also submits the following discussion of the relevance of the non-English language documents **FP1** to **FP4** cited on Form PTO/SB/08A:

Document **FP1**, JP 63-108019 A, is in the Japanese language. An English language abstract of document FP1 is attached as document **NPL1**. In addition, document **US1**, United States Patent No. 4,762,899, is believed to be an English language equivalent of document FP1.

Document **FP2**, JP 2003-165805 A, is in the Japanese language. An English language abstract of document FP2 is attached as document **NPL2**. In addition, document **US4**, United States Publication No. 2003/0130454 A1, is believed to be an English language equivalent of document FP2.

Document **FP3**, JP 2004-168802 A, is in the Japanese language. An English language abstract of document FP3 is attached as document **NPL3**.

Document **FP4**, JP 2004-323688 A, is in the Japanese language. An English language abstract of document FP4 is attached as document **NPL4**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the

effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Second Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

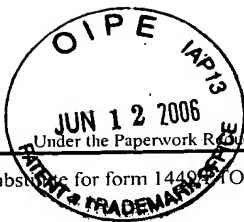


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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/801,951
				Filing Date	March 17, 2004
				First Named Inventor	William F. DeGrado
				Art Unit	1615
				Examiner Name	Chong, Yong Soo
Sheet	1	of	1	Attorney Docket Number	1694.0630003/JMC/AES

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published, etc.	T ²
	NPL1	Patent Abstracts of Japan, English language abstract of JP 63-108019 A.	
	NPL2	Patent Abstracts of Japan, English language abstract of JP 2003-165805 A.	
	NPL3	Patent Abstracts of Japan, English language abstract of JP 2004-168802 A.	
	NPL4	Patent Abstracts of Japan, English language abstract of JP 2004-323688 A.	
	NPL5	Copy of Office Action for U.S. Application No. 10/471,028, DeGrado, W., <i>et al.</i> , filed May 11, 2004 (35 U.S.C. § 371(c) date), mailed October 11, 2005	
	NPL6	Copy of final Office Action for U.S. Application No. 10/471,028, DeGrado, W., <i>et al.</i> , filed May 11, 2004 (35 U.S.C. § 371(c) date), mailed May 8, 2006	
	NPL7	Co-pending U.S. Application No. 11/361,050, DeGrado, W., <i>et al.</i> , filed February 24, 2006 (NOT PUBLISHED)	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.